

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION

Plaintiff,

v.

Civil Action No. 1:24-cv-03774-MHC

TANNER S. ADAM, JONATHAN L.  
ADAM, TRITEN FINANCIAL  
GROUP, LLC, and GCZ GLOBAL  
LLC,

Defendants, and

AVA A. ADAM, GARRETT L.W.  
ADAM, ROBERT S. ADAM,  
CARRIE L. ADAM, EMILIO F.  
HINOJOSA, and VIRGINIA I.  
HINOJOSA,

Relief Defendants.

**DECLARATION OF PATRICK T. CLENDENEN, ESQ. IN SUPPORT OF  
DEFENDANTS' UNOPPOSED MOTION FOR RELIEF FROM FINAL  
JUDGMENT AND INCORPORATED BRIEF IN SUPPORT**

I, Patrick T. Clendenen, Esq., declare as follows:

1. I am an attorney with a request to appear *pro hac vice* pending before this Court, a partner at Practus, LLP, and counsel (*pro hac vice* pending) to Defendants Tanner S. Adam, Jonathan L. Adam, Triten Financial Group, LLC, and

GCZ Global LLC and Relief Defendants Ava A. Adam, Garrett L.W. Adam, Robert S. Adam, Carrie L. Adam, Emilio F. Hinojosa, and Virginia I. Hinojosa (collectively, the “Defendants”). I submit this Declaration in support of Defendants’ Unopposed Motion for Relief from Final Judgment and Incorporated Brief in Support.

2. Attached hereto as **Exhibit A** is a true and accurate copy of the email with the subject SEC v. Adam, et al. Case No. 1:24-cv-03774 (N.D. Ga.), dated October 12, 2025.

3. Attached hereto as **Exhibit B** is a true and accurate copy of the email with the subject SEC v. Adam, et al. Case No. 1:24-cv-03774 (N.D. Ga.), dated October 14, 2025, and with the *Administrative Order Staying Civil Litigation in which the United States is a Party in Light of Lapse in Appropriations* as an attachment thereto.

4. Attached hereto as **Exhibit C** is a true and accurate copy of the email with the subject SEC v. Adam, et al. Case No. 1:24-cv-03774 (N.D. Ga.), dated October 15, 2025.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 20, 2025

/s/ Patrick T. Clendenen  
Patrick T. Clendenen

# **EXHIBIT A**

## Patrick T. Clendenen

---

**From:** Robert Rhatigan  
**Sent:** Sunday, October 12, 2025 1:40 PM  
**To:** Loomis, Madison G.; Murnahan, Kristin W.  
**Cc:** Leslie R. Katz; Patrick T. Clendenen  
**Subject:** RE: SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)

**Importance:** High

Hi Graham and Kristin:

We have gone through the motion for remedies and default judgment. The Defendants and Relief Defendants plan to respond. The clients have retained local counsel and Practus and our local firm will need an extension of time to respond. ***Accordingly, we are asking for an extra 30-days to permit local counsel to properly respond.***

In addition, the clients are requesting that ***\$50,000 be released from the frozen accounts*** to pay anticipated legal fees for Practus and our local counsel. As time is of the essence, we kindly ask that you respond to this email as soon as you possibly can.

Regards,

Bobby

Robert (Bobby) Rhatigan 

Partner



 (703) 215-8011

 [robert.rhatigan@practus.com](mailto:robert.rhatigan@practus.com)

 [My Bio](#) | [Connect on LinkedIn](#)

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**From:** Loomis, Madison G. <LoomisM@sec.gov>

**Sent:** Wednesday, October 1, 2025 12:22 PM

**To:** Robert Rhatigan <robert.rhatigan@practus.com>; Leslie R. Katz <leslie.katz@practus.com>

**Cc:** Murnahan, Kristin W. <MurnahanK@SEC.GOV>

**Subject:** SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)

Robert,

Attached are copies of the motion for remedies/ default judgment and supporting materials that we filed today. We have also sent you hard copies via UPS.

M. Graham Loomis  
Supervisory Trial Counsel  
Atlanta Regional Office  
Securities and Exchange Commission  
950 East Paces Ferry Road, Suite 900  
Atlanta, GA 30326  
W: 404-842-7622  
C: 770-335-1998

## **EXHIBIT B**

**Patrick T. Clendenen**

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**From:** Loomis, Madison G. <LoomisM@sec.gov>  
**Sent:** Tuesday, October 14, 2025 11:49 AM  
**To:** Robert Rhatigan; Leslie R. Katz; Patrick T. Clendenen  
**Cc:** Murnahan, Kristin W.  
**Subject:** RE: SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)  
**Attachments:** 30 Admin Order Staying Civil Litigation.pdf

Robert-

Apologies for the delayed response, but yesterday was a federal holiday.

I think it is unnecessary, at least at this point, to agree to an extension of Defendants' and Relief Defendants' time to respond to the SEC's remedies motion. On Oct 1, 2025, the Court entered the attached order in this case, staying all civil cases in which any agency of the U.S. Government is a party until the Government re-opens. As we interpret this order, the time to respond to the SEC's motion is stayed, and Defendants and Relief Defendants will have 17 days to respond to the motion when the stay order is lifted (*i.e.*, the 14 days response time for motions provided in Local Rule 7.1(B), plus an additional 3 days). *See Order at 2 ("[W]hen appropriations are restored, all deadlines in place as of the date of this Order shall automatically be extended [by] the number of days of the lapse in appropriations plus three calendar days . . . .")* Kristin and I are willing to consider any reasonable request for an additional extension at that point if you think that is necessary.

We are, however, unwilling to agree to your request to release \$50,000 of frozen assets to pay for the anticipated legal fees in drafting a response to the SEC's remedies motion. There is ample case law prohibiting defendants from using fruits of the fraud to pay for the legal costs in defending subsequent prosecution for such fraud. *See, e.g., SEC v. Quinn*, 997 F.2d 287, 289 (7th Cir. 1993) ("Just as a bank robber cannot use the loot to wage the best defense money can buy, so a swindler in securities markets cannot use the victims' assets to hire counsel who will help him retain the gleanings of crime.") The fact that Defendants have no constitutional right to counsel in civil enforcement proceedings further supports our position. *See, e.g., SEC v. Ustick*, 373 F. App'x. 924, 926 (11th Cir. 2010). Lastly, our forensic analysis suggests that the amount of likely disgorgement far exceeds the collective value of the assets subject to the freeze. Releasing additional funds to Defendants and/or Relief Defendants would only exacerbate the situation.

M. Graham Loomis  
 Supervisory Trial Counsel  
 Atlanta Regional Office  
 W: 404-842-7622  
 C: 770-335-1998

**From:** Robert Rhatigan <robert.rhatigan@practus.com>  
**Sent:** Sunday, October 12, 2025 1:40 PM  
**To:** Loomis, Madison G. <LoomisM@sec.gov>; Murnahan, Kristin W. <MurnahanK@SEC.GOV>  
**Cc:** Leslie R. Katz <leslie.katz@practus.com>; Patrick T. Clendenen <patrick.clendenen@practus.com>  
**Subject:** RE: SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)  
**Importance:** High

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Graham and Kristin:

We have gone through the motion for remedies and default judgment. The Defendants and Relief Defendants plan to respond. The clients have retained local counsel and Practus and our local firm will need an extension of time to respond. ***Accordingly, we are asking for an extra 30-days to permit local counsel to properly respond.***

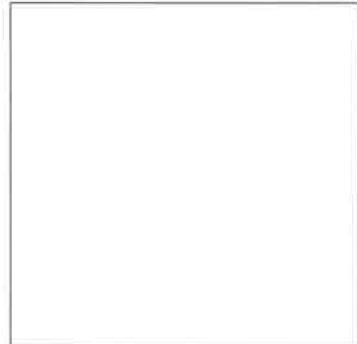
In addition, the clients are requesting that ***\$50,000 be released from the frozen accounts*** to pay anticipated legal fees for Practus and our local counsel. As time is of the essence, we kindly ask that you respond to this email as soon as you possibly can.

Regards,

Bobby

Robert (Bobby) Rhatigan

Partner



(703) 215-8011



[robert.rhatigan@practus.com](mailto:robert.rhatigan@practus.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

OCT - 1 2025

KEVIN P. WEIMER, Clerk  
By: *[Signature]* *Mon 2* Deputy Clerk

***IN RE STAY OF CIVIL  
PROCEEDINGS IN WHICH THE  
UNITED STATES IS A PARTY IN  
LIGHT OF LAPSE OF  
APPROPRIATIONS***

**ADMINISTRATIVE ORDER 25-01**

**ADMINISTRATIVE ORDER STAYING CIVIL LITIGATION  
IN WHICH THE UNITED STATES IS A PARTY  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

WHEREAS federal funding for certain functions of the United States of America lapsed at midnight on October 1, 2025,

WHEREAS since that time, no appropriation bill or continuing resolution has been passed that would restore funding,

WHEREAS attorneys and other employees of the Civil Division of the United States Attorney's Office for the Northern District of Georgia, with limited exceptions, are prohibited from working, even on a voluntary basis, during the lapse of appropriations,

WHEREAS employees of other federal agencies who may have matters before the Court, with limited exceptions, also are prohibited from working, even on a voluntary basis, during the lapse of appropriations, and

WHEREAS the United States Attorney for the Northern District of Georgia, on behalf of the United States, its federal agencies, and its officers and employees, has filed an emergency motion for an administrative order staying all civil

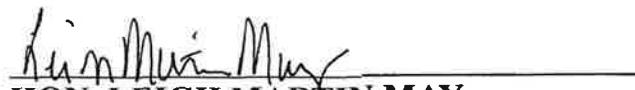
litigation in which the United States, its federal agencies, or its officers and/or employees are named parties, or in which the United States Attorney for the Northern District of Georgia, any Assistant United States Attorney, or any Special Assistant United States Attorney is counsel of record, including any such matter pending before a Magistrate Judge,

**IT IS HEREBY ORDERED** that all civil litigation in which the United States, its federal agencies, or its officers and/or employees are named parties, or in which the United States Attorney for the Northern District of Georgia, any Assistant United States Attorney, or any Special Assistant United States Attorney is counsel of record, including any such matter pending before a Magistrate Judge, is **STAYED** until appropriations are restored.

**IT IS FURTHER ORDERED** that the United States Attorney's Office for the Northern District of Georgia shall notify the Court as soon as Congress has appropriated funds for the U.S. Department of Justice or enacted a continuing resolution.

**IT IS FURTHER ORDERED** that when appropriations are restored, all deadlines in place as of the date of this Order shall automatically be extended the number of calendar days of the lapse in appropriations plus three calendar days without further order of the Court.

**SO ORDERED** this 1<sup>st</sup> day of October, 2025.

  
**HON. LEIGH MARTIN MAY**  
**CHIEF U.S. DISTRICT JUDGE**  
**NORTHERN DISTRICT OF GEORGIA**

# **EXHIBIT C**

**Patrick T. Clendenen**

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**From:** Loomis, Madison G. <LoomisM@sec.gov>  
**Sent:** Wednesday, October 15, 2025 11:40 AM  
**To:** Robert Rhatigan; Leslie R. Katz; Patrick T. Clendenen  
**Cc:** Murnahan, Kristin W.  
**Subject:** RE: SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)

That was my understanding as well. If your clients would like an opportunity to respond to the remedies motion, the SEC will not oppose a motion to vacate the judgment. But our position on releasing frozen funds to cover attorney fees remains unchanged.

M. Graham Loomis  
Supervisory Trial Counsel  
Atlanta Regional Office  
W: 404-842-7622  
C: 770-335-1998

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**From:** Robert Rhatigan <robert.rhatigan@practus.com>  
**Sent:** Wednesday, October 15, 2025 11:36 AM  
**To:** Loomis, Madison G. <LoomisM@sec.gov>; Leslie R. Katz <leslie.katz@practus.com>; Patrick T. Clendenen <patrick.clendenen@practus.com>  
**Cc:** Murnahan, Kristin W. <MurnahanK@SEC.GOV>  
**Subject:** RE: SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)

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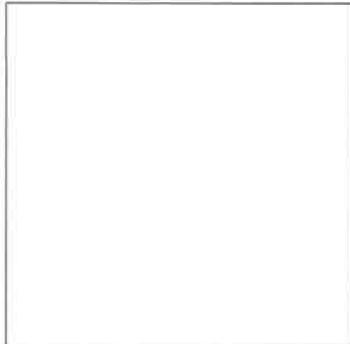
**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Graham: I'm confused. We thought this was stayed based on your email from yesterday.

**Robert (Bobby) Rhatigan**

Partner



(703) 215-8011

[robert.rhatigan@practus.com](mailto:robert.rhatigan@practus.com)

[My Bio](#) | [Connect on LinkedIn](#)

---

**From:** Loomis, Madison G. <LoomisM@sec.gov>  
**Sent:** Wednesday, October 15, 2025 11:28 AM  
**To:** Robert Rhatigan <robert.rhatigan@practus.com>; Leslie R. Katz <leslie.katz@practus.com>; Patrick T. Clendenen <patrick.clendenen@practus.com>  
**Cc:** Murnahan, Kristin W. <MurnahanK@SEC.GOV>  
**Subject:** SEC v. Adam, et al. Case No. 1:24-cv-03774 (NDGA)

Robert, et al.-

Attached is the final judgment that the Court entered in this matter. We will also send copies via UPS to defendants and relief defendants.

M. Graham Loomis  
Supervisory Trial Counsel  
Atlanta Regional Office  
W: 404-842-7622  
C: 770-335-1998